

112TH CONGRESS
1ST SESSION

H. R. 3548

To facilitate United States access to North American oil resources, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 2, 2011

Mr. TERRY (for himself, Mr. UPTON, Mr. WHITFIELD, Mrs. BLACKBURN, Mr. LATTA, Mr. MURPHY of Pennsylvania, Mrs. McMORRIS RODGERS, Mr. REHBERG, Mr. BERG, Mr. HARRIS, Mr. PITTS, Mr. SULLIVAN, Mr. SHIMKUS, Mr. SCALISE, Mr. OLSON, Mr. GARDNER, Mr. POMPEO, Mr. KINZINGER of Illinois, Mr. BOUSTANY, Mr. GRIMM, Mr. BURGESS, Mr. THORNBERRY, Mr. CARTER, Mr. NEUGEBAUER, Ms. GRANGER, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Mr. BARLETTA, Mr. MARINO, Mr. KELLY, Mr. SCHOCK, Mr. LATOURETTE, Mr. MCCOTTER, Mr. DAVIS of Kentucky, Mr. TURNER of Ohio, Mr. PEARCE, Mr. GIBBS, Mr. MILLER of Florida, Mr. FORBES, Mr. MANZULLO, Mr. BARTON of Texas, and Mr. SHUSTER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To facilitate United States access to North American oil
resources, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “North American En-
3 ergy Access Act”.

4 **SEC. 2. RESTRICTION.**

5 (a) IN GENERAL.—No person may construct, oper-
6 ate, or maintain the oil pipeline and related facilities de-
7 scribed in subsection (b) except in accordance with a per-
8 mit issued under this Act.

9 (b) PIPELINE.—The pipeline and related facilities re-
10 ferred to in subsection (a) are those described in the Final
11 Environmental Impact Statement for the Keystone XL
12 Pipeline Project issued by the Department of State on Au-
13 gust 26, 2011, including any modified version of that pipe-
14 line and related facilities.

15 **SEC. 3. PERMIT.**

16 (a) ISSUANCE.—

17 (1) BY FERC.—The Federal Energy Regulatory
18 Commission shall, not later than 30 days after re-
19 ceipt of an application therefor, issue a permit for
20 the construction, operation, and maintenance of the
21 oil pipeline and related facilities described in section
22 2(b), to be implemented in accordance with the
23 terms of the Final Environmental Impact Statement
24 described in section 2(b). The Commission shall not
25 be required to prepare a Record of Decision under
26 section 1505.2 of title 40 of the Code of Federal

1 Regulations with respect to issuance of the permit
2 provided for in this section.

3 (2) ISSUANCE IN ABSENCE OF FERC ACTION.—

4 If the Federal Energy Regulatory Commission has
5 not acted on an application for a permit described
6 in paragraph (1) within 30 days after receiving such
7 application, the permit shall be deemed to have been
8 issued under this Act upon the expiration of such
9 30-day period.

10 (b) MODIFICATION.—

11 (1) IN GENERAL.—The applicant for or holder
12 of a permit described in subsection (a) may make a
13 substantial modification to the pipeline route or any
14 other term of the Final Environmental Impact
15 Statement described in section 2(b) only with the
16 approval of the Federal Energy Regulatory Commis-
17 sion. The Commission shall expedite consideration of
18 any such modification proposal.

19 (2) NEBRASKA MODIFICATION.—The Federal
20 Energy Regulatory Commission shall enter into a
21 memorandum of understanding with the State of
22 Nebraska for an effective and timely review under
23 the National Environmental Policy Act of 1969 of
24 any modification to the proposed pipeline route in
25 Nebraska as proposed by the applicant for the per-

1 mit described in subsection (a). Not later than 30
2 days after receiving approval of such proposed modi-
3 fication from the Governor of Nebraska, the Com-
4 mission shall complete consideration of and approve
5 such modification.

6 (3) ISSUANCE IN ABSENCE OF FERC ACTION.—

7 If the Federal Energy Regulatory Commission has
8 not acted on an application for approval of a modi-
9 fication described in paragraph (2) within 30 days
10 after receiving such application, such modification
11 shall be deemed to have been issued under this Act
12 upon expiration of the 30-day period.

13 **SEC. 4. RELATION TO OTHER LAW.**

14 (a) GENERAL RULE.—Except as provided in sub-
15 section (b), a permit issued under this Act shall be the
16 sole legal authority required to construct, operate, and
17 maintain the pipeline and related facilities described in
18 section 2(b) in the United States.

19 (b) EXCEPTIONS.—Nothing in this Act shall affect
20 the application to the pipeline and related facilities de-
21 scribed in section 2(b) of—

22 (1) chapter 601 of title 49, United States Code;
23 or

1 (2) the authority of the Federal Energy Regu-
2 latory Commission to regulate oil pipeline rates and
3 services.

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